

Silver Consolidated School District 1
2810 North Swan Street
Silver City, NM 88061-5853

Office of the Secretary
445 12th Street SW
Washington, DC 20554

September 1 2015

CC Docket no. 02-6

RE: Silver Consolidated School District Form 471 900597, FRN 2517597; Form 486 1002649

Silver Consolidated School District (Silver) respectfully requests a review of a decision made by the Universal Services Administrative Company and waiver of the 60 day appeal deadline for Form 486 1002649.

Background:

In October, an invoice deadline extension request was submitted to USAC for FRN 2517597, however FRN 2517597's Form 486 was uncertified and the extension was denied. On April 1, 2015, USAC set the Service Start Date to 11/19/2014, which was after the last date to receive recurring services for 2013. The request was originally funded with a discounted amount of \$6,454.97 and the Service Start Date reset changed funding to \$0. Silver has filed an appeal with USAC to restore the original Service Start Date to July 1, 2013, and to restore funding to the District. This appeal was denied by USAC.

FCC Form 471 Application Number 900597 was funded on September 25, 2013. In December Form 486 988259 was submitted to notify USAC that services had begun for 471 900597 and that form was certified in January by the new Technology Coordinator.

Later that month, it was learned that FRN 2517597 was inadvertently left off of Form 486 988259. Upon notification that the Form 486 for that FRN was late, a second Form 486 was submitted: 1002649. The authorized certifier was not immediately available to certify the form 486 as he was out of the country. When the certifier returned, a PIN from USAC had arrived in his absence, and he used it to certify Form 486 4002649. Believing that the form was certified, services continued as usual. (See ATTACHMENT A)

An invoice deadline extension request was submitted and denied due to no Form 486 certification.

On further investigation it was discovered that although the certifier believed that Form 486 1002649 had been certified, there was an error message that was missed and the form was not certified on time. The online certification was attempted again, and on April 1, 2015 USAC issued a letter notifying Silver that the Service Start Date for FRN 2517597 had been moved to November 19, 2014, thus negating funding.

Discussion:

Eligible applicants for discounts under the E-rate program are required to post an FCC Form 470, go through a procurement period, and after 28 days may make a service provider selection based on responses to the Form 470. The applicant subsequently files a Form 471 which describes the services ordered for which the applicant is requesting discounts. Upon review of the Form 471, if USAC determines that the requested services are eligible, a Funding Commitment Decision Letter (FCDL) is issued. Among the next steps after receiving the FCDL is the requirement for the applicant to submit a Form 486 which has a certification postmark within 120 days of the start of the Funding Year (July 1) or the beginning of services, whichever is later. Currently, if a certification is submitted after the 120-day deadline, USAC adjusts the service start date to 120 days before the postmark of the Form 486, which provides a greater penalty for applicants that receive a later FCDL.

For example, if an applicant receives an FCDL before the beginning of the Funding Year and misses the Form 486 deadline by one month they lose one month of recurring services. However, if an applicant receives their FCDL two months after the end of the Funding Year and also miss the Form 486 deadline by one month they will lose all of their recurring charges. Applying different penalties for missing a deadline is patently unfair.

The FCC has directed USAC to provide applicants with a 15-day opportunity to file or amend the form without adjustment of the Service Start Date.¹ In this case, effort was made to certify the form, but that effort was unsuccessful. In the Bishop Perry Order, the FCC allowed correction of ministerial errors, and found that in cases where there is demonstration that no evidence of waste, fraud and abuse has occurred, and if rigid compliance with USAC's procedures does not serve the public interest that there is sufficient reason to grant an appeal or waiver.

Summary:

We understand that deadlines must be in place, and did make an effort to submit the certification before the deadline. We ask that the FCC allow upon approval of the Form 486 appeal, time for Silver to submit an invoice to USAC so that Silver's students may receive the benefit of the funding.

Contact:

Benjamin Potts
Technology Coordinator
2810 North Swan Street
Silver, NM 88061
bpotts@silverschools.com

¹ See Request for Review of the Decision of the Universal Service Administrator by Alaska Gateway School District, Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-412028, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 10182 (Wireline Comp. Bur. 2006) (Alaska Gateway Order). See also Requests for Review and/or Waiver of the Decisions of the Universal Service Administrator by Archdiocese of Chicago School, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-766468, et al., CC Docket No. 02-6, Order, 27 FCC Rcd 200 (Wireline Comp. Bur. 2012).

Applicant's Form Identifier: 1002649

Entity Number: 143325

Contact Person: Caroline Wolf

Phone Number: (516) 801-7822

Certifications and Signature

Do not write in this area

486 Application Number: 1002649

12. Cert ID = ERROR: Conversion from type 'XmlNode()' to type 'String' is not valid. :END	13.Date 2/21/2014
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14. Printed name of authorized person Benjamin Potts

15. Title or position of authorized person Technology Coordinator

16a. Street Address, P.O Box or Route Number 2810 N Swan Street
Silver, NM 88061

16b. Telephone number of authorized person (575) 956 - 2049

16c. Fax number of authorized person:

16d. E-mail of authorized person: bpotts@silverschools.com

16e. Name of authorized person's employer: Silver Consolidated Schools

ATTENTION: If you are signing FCC Form 486 using the PIN assigned to you by SLD, you are reminded that using the PIN is equivalent to your handwritten signature on the form. Your use of the PIN to affirm these certifications means that should they prove untrue, you will be held to the same enforcement standards as those who affirm the certifications on paper. Also, by using the PIN, you are affirming that you have the authority to make these certifications and represent the entity featured in Block One of this funding request.

Please Check to affirm your compliance ☒

486 Application Number:

SILVER CONSOLIDATED SCH DIST 1

2810 N SWAN ST

SILVER CITY, NM 88061 -5853

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C.Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C.Sec. 1001.

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

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Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Act Project (3060-0853), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

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THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

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